

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JAMES VINCENT BANKS,

Plaintiff(s),

v.

JOSEPH LOMBARDO, et al.,

Defendant(s).

Case No. 2:20-cv-00556-MMD-NJK

**Order**

[Docket No. 93]

Pending before the Court is Defendants' renewed motion to extend the dispositive motion deadline. Docket No. 93.

A request to extend unexpired deadlines in the scheduling order must be premised on a showing of good cause. Fed. R. Civ. P. 16(b)(4); Local Rule 26-3. The good cause analysis turns on whether the subject deadlines cannot reasonably be met despite the exercise of diligence. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

Defendants have not made a strong showing of diligence, particularly given that they began the conferral process for the motion to compel in July. *See* Docket No. 93 at 3.<sup>1</sup> Nonetheless, the Court relies on Defendants' representations that the timing of the motion to compel was predicated on the desire to afford Plaintiff extra time to comply with discovery, particularly in light of his past assertions of insufficient legal supplies. *See id.* at 3-4. Such representations suffice, given the circumstances of this case, to nudge Defendants across the good cause threshold.<sup>2</sup>

<sup>1</sup> The Court also reminds Defendants that a deadline to file discovery motions is an "outer" limit and such motion practice must still advance without undue delay. *Cf. Herndon v. City of Henderson*, 507 F. Supp. 3d 1243, 1248 (9th Cir. 2020) (quoting *Haviland v. Catholic Health Initiatives-Iowa, Corp.*, 692 F. Supp. 2d 1040, 1044 (S.D. Iowa 2010)).

<sup>2</sup> Defendants seek a floating deadline depending on the date the motion to compel is resolved. *See* Docket No. 93 at 5. The Court declines to follow that approach and will instead set

1 Accordingly, the motion to extend is **GRANTED**. The dispositive motion deadline is  
2 **RESET** for December 23, 2022, and the joint proposed pretrial order deadline is **RESET** for  
3 January 23, 2023. All other deadlines in the scheduling order remain unchanged.

4 IT IS SO ORDERED.

5 Dated: October 17, 2022

6  
7   
8 \_\_\_\_\_  
9 Nancy J. Koppe  
10 United States Magistrate Judge  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

27 \_\_\_\_\_  
28 a deadline with a calendar date. *Cf.* Local Rule 26-1(b)(4) (requiring discovery plans to provide a  
calendar date for the dispositive motion deadline).